



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12th St., S.W.**  
**Washington, D.C. 20554**

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**DA 09-1622**  
**Released: July 27, 2009**

## **COMMENTS SOUGHT ON PETITION FOR DECLARATORY RULING OF SANDWICH ISLES COMMUNICATIONS, INC.**

**WC Docket No. 09-133**

**COMMENTS DUE: August 17, 2009**  
**REPLY COMMENTS DUE: August 27, 2009**

By this Public Notice, we seek comment on a petition filed June 26, 2009, by Sandwich Isles Communications, Inc. (Sandwich Isles) requesting that the Commission issue a declaratory ruling that certain circuit lease expenses incurred by Sandwich Isles are “used and useful” in the provision of interstate service, and also requesting the Commission to direct the National Exchange Carrier Association (NECA) to accept such costs for inclusion in, and settlement from, its traffic sensitive pool.<sup>1</sup> In addition, Sandwich Isles requests that the Commission direct NECA to “continue Sandwich Isles settlements based on its submitted cost study pending resolution of this proceeding.”<sup>2</sup> In support of its petition, Sandwich Isles contends that adequate facilities are not available on reasonable terms and conditions from alternative sources.<sup>3</sup> Sandwich Isles argues that “[u]ndersea facilities . . . create exceptional challenges, because cost and environmental concerns simply do not allow essential facilities to be constructed based solely on current demand levels . . . rather they must be constructed to meet potential demand for at least 20 years or more.”<sup>4</sup> Sandwich Isles also claims that NECA failed to provide it adequate notice and an opportunity to respond to NECA’s decision not to include those costs in its tariff filing.<sup>5</sup>

Interested parties may file comments on the Sandwich Isles Petition on or before **August 17, 2009** and reply comments on or before **August 27, 2009**. Filings in this proceeding should be captioned “Sandwich Isles Communications, Inc., Petition for Declaratory Ruling” and filed in WC Docket No. 09-133.

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<sup>1</sup> Sandwich Isles Communications, Inc., Petition for Declaratory Ruling, WC Docket No. 09-133 (filed June 26, 2009) (Sandwich Isles Petition).

<sup>2</sup> *Id.* at 7.

<sup>3</sup> *See id.* at 4.

<sup>4</sup> *Id.* at 5.

<sup>5</sup> *See id.* at 6.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Two courtesy copies must be delivered to Pamela Arluk, Federal Communications Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Room 5-A233, Washington, DC 20554 or via e-mail at [pamela.arluk@fcc.gov](mailto:pamela.arluk@fcc.gov). One copy must also be sent to Best Copy and Printing, Inc., Portals II, 445 12th Street SW, Suite CY-B402, Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.
  - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov) and include the following words in the body of the message: `get form <your email address>`. A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.  
**Parties are strongly encouraged to file comments electronically using the Commission's ECFS.**

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12<sup>th</sup> Street, SW, Washington, DC 20554.

**People with Disabilities:** To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

This Public Notice establishes certain procedural requirements relating to consideration of the petition for declaratory ruling. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>6</sup> Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.<sup>7</sup> Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.<sup>8</sup>

For further information, contact Pamela Arluk of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520, or via e-mail at [pamela.arluk@fcc.gov](mailto:pamela.arluk@fcc.gov).

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<sup>6</sup> See 47 C.F.R. §§ 1.1200, 1.1206.

<sup>7</sup> See 47 C.F.R. § 1.1206(b).

<sup>8</sup> See 47 C.F.R. § 1.1206(b).